

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Provision of Directory Listing Information)	CC Docket No. 99-273
Under the Communications Act of 1934)	
As Amended)	
)	
The Use of N11 Codes and Other Abbreviated)	
Dialing Arrangements)	CC Docket No. 92-105
)	
)	
Administration of the North American)	CC Docket No. 92-237
Numbering Plan)	
)	

To: The Commission

REPLY COMMENTS OF ALLTEL Communications, Inc.

ALLTEL Communications, Inc. (“ALLTEL”)¹ replies to the comments submitted in response to the Notice in the above-referenced proceeding.² The Commission in the Notice sought comment generally on methods of promoting competition and choice in the retail directory assistance (DA) market, and in particular, on Telegate Inc.’s (“Telegate’s”) proposal that carriers be required -- by regulation -- to implement presubscription to 411 services.

¹ ALLTEL Communications, Inc. is the subsidiary of ALLTEL Corporation through which competitive services including CMRS, long distance and competitive local exchange services are provided. ALLTEL, by virtue its common ownership and control by ALLTEL Corporation, is affiliated with numerous ALLTEL incumbent local exchange companies.

² Provision of Directory Listing Information Under the Communications Act of 1934, As Amended, FCC 01-384, Notice of Proposed Rulemaking, 17 FCC Rcd. 1164 (rel. January 9, 2002) (“Notice”).

In keeping with the majority of comments filed in this proceeding, ALLTEL opposes the imposition of 411 presubscription requirements on any carrier, and in particular, CMRS carriers. The directory assistance market is competitive and no further regulation is required.³ Presubscription requirements for 411 will create additional technological and financial burdens on carriers without any concomitant benefit to either competition or subscribers.

ALLTEL concurs with those commenters asserting that the Commission is without the authority under the Act to mandate presubscription of 411.⁴ While Telegate argues that the Commission has authority to mandate presubscription under sections 201(b), 202(a) and 251(e)⁵ sections 201(b) and 202(a) fail to provide the Commission sufficient authority to mandate presubscription because DA is not “interstate or foreign communications by wire or radio.”⁶ Further, and while the Commission noted that its section 251(e) authority extended over the assignment of all N11 numbering codes including 411, the nature and extent of that authority is limited to the designation of the code and does not encompass the power to mandate presubscription to 411.

That power is reserved under the dialing parity principles of section 251(b)(3), under which all LECs -- and CMRS carriers are not LECs under the Act -- are required “to provide dialing parity to competing providers of telephone exchange service and telephone toll service.”

³ ITTA Comments at 2; Sprint Comments at 2; Verizon Comments at 2; National Telecommunications Cooperative Association at 1-2; Qwest Comments at 2; CWA Comments at 3.

⁴ BellSouth Comments at 5; Verizon Comments at 4.

⁵ Telegate Comments at 23.

⁶ BellSouth Comments at 8;

DA does not fit either of those definitions. As SBC notes, the provision of DA is not an offering of telecommunications to the public for a fee under the Act..⁷

ALLTEL concurs with Cincinnati Bell that Congress never anticipated the development of the DA market as a stand-alone telecommunications service market.”⁸ Similarly, Verizon argues that Congress did not mandate that the Commission promote competition in the retail DA market, noting that Congress did nothing to explicitly promote competition in this particular segment of the industry.⁹ Rather, the statute indicates that Congress’ interest was limited to ensuring that competing LECs (not individual subscribers) had the full ability to compete by contracting with competitive DA providers who would then provide the CLEC’s subscribers with access to DA offerings equivalent in quality to that of ILECs’. Consequently, the Commission should affirm that the scope of this proceeding does not include wireless carriers¹⁰ inasmuch as wireless carriers are not LECs and thus are not subject to section 251(b) dialing party requirements.

ALLTEL also believes that 411 presubscription imposes significant economic burdens on small and mid-sized carriers whose resources are already strained by existing regulatory requirements (*e.g.*, number pooling, LNP, CALEA, etc.).”¹¹ Presubscription provides no benefit of sufficient magnitude to require carriers to reallocate resources from critically more important public interest mandates such as CALEA and E-911.

⁷ SBC Comments at 7.

⁸ Cincinnati Bell Comments at 3.

⁹ Verizon Comments at 7.

¹⁰ Sprint Comments at 8-9.

¹¹ Cincinnati Bell Comments at 9.

Indeed, the costs of mandatory presubscription dwarfs any purported benefits. Use of 411 services has been on the decline and there is little evidence suggesting that consumers want the ability to presubscribe to 411. There is real concern, however, that the average consumer will be harmed by Telegate's plan¹² by suffering confusion and higher rates.¹³ And as one commentor aptly noted, competition is not worth pursuing where it results in higher costs for consumers with no added benefit.¹⁴

In the absence of record evidence showing presubscription or the other directory assistance plans will benefit consumers, the substantial costs resulting from the proposals are clearly unjustified. In view of the absence of statutory authority to mandate alternative directory assistance plans, the Commission must refrain from further regulatory mandates.

Respectfully submitted,

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By: _____

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¹² ITTA Comments at 8.

¹³ AT&T Comments at 9-11; Sprint Comments at 4; SBC Comments at 4.

¹⁴ The Utility, Cable & Telecommunications Committee of the City Council of New Orleans Comments at 3.

